



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 4606-98  
28 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 7 June 1992 at the age of 17.

Your record reflects that on 11 November 1995 you were convicted by special court-martial (SPCM) of a 78 day period of unauthorized absence (UA), absence from your appointed place of duty, and wrongfully furnishing alcoholic beverages to a minor. You were sentenced to reduction to paygrade E-1, confinement for 90 days, and \$1,500 in forfeitures of pay.

On 5 June 1996 you were convicted by general court-martial (GCM) of three specifications of disrespect, disobedience, four specifications of destruction of military property, six specifications of assault, drunk and disorderly conduct, two specifications of communicating a threat, and wrongful solicitation. You were sentenced to confinement for eight months, \$6,000 in forfeitures of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 23 October 1997 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contention that your discharge was an injustice and that you suffered mentally, physically, and spiritually through major illnesses. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your frequent misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director